

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DATABASEUSA.COM, LLC

Plaintiff

v.

BLAKE VAN GILDER, INFOGROUP, INC.,
a Corporation, and KOLEY JESSEN, P.C.,
L.L.O.,

Defendants.

Case No. 8:17-cv-386

NOTICE OF REMOVAL

Defendant Koley Jessen, P.C., L.L.O. ("Koley Jessen") by and through its attorneys and Defendant Blake Van Gilder ("Van Gilder"), *pro se*, in accordance with the applicable Federal Rules of Civil Procedure, Local Rules of the United States District Court for the District of Nebraska, and Title 28 United States Code ("U.S.C.") §§ 1441 and 1446, hereby file their Notice of Removal. Koley Jessen and Van Gilder request that this Court remove this action filed by the Plaintiff, DatabaseUSA.com, LLC ("Plaintiff"), from the District Court of Douglas County, Nebraska, to the United States District Court for the District of Nebraska located in Omaha, Nebraska. In support of this Notice of Removal, said Defendants state as follows:

1. On or about September 11, 2017, Plaintiff initiated this action by filing a Complaint in the District Court of Douglas County, Nebraska styled *DatabaseUSA.com LLC v. Blake Van Gilder, Infogroup, Inc. and Koley Jessen, P.C., L.L.O.*, Case No. CI 17-7769 (the "Complaint"). A true and correct copy of the Complaint is attached as **Exhibit A** and incorporated herein by reference.

TIMELINESS OF REMOVAL

2. Koley Jessen and Van Gilder were served with the Complaint on September 14, 2017 requiring any notice of removal to be filed on or before October 16, 2017, pursuant to 28 U.S.C. § 1446(b). A true and correct copy of Plaintiff's Affidavits of Service on Koley Jessen and Van Gilder are attached as **Exhibit B** and **Exhibit C** respectively and incorporated herein by reference. Therefore, Koley Jessen and Van Gilder are timely filing this Notice of Removal.

FEDERAL QUESTION JURISDICTION

3. The Complaint asserts violations of the federal Computer Fraud & Abuse Act, 18 U.S.C. § 1030. Therefore, the Complaint presents a question of federal law and this Court has original jurisdiction over the issues presented in the Complaint, because this is a civil action arising out of the laws of the United States pursuant to 28 U.S.C. § 1331.

4. Pursuant to 28 U.S.C. § 1441(a), "any civil action of which the district courts of the United States have original jurisdiction, may be removed by the defendant." Accordingly, this matter may be properly removed to this Court.

5. This Court has supplemental jurisdiction over all other claims in the Complaint pursuant to 28 U.S.C. § 1367(a).

VENUE

6. The United States District Court for the District of Nebraska encompasses Douglas County, the district and division in which the Complaint was filed and in which the Complaint alleges certain events took place. Thus, removal is proper to this Court pursuant to 28 U.S.C. § 1441(a).

PAPERS FROM REMOVED ACTION

7. As required by 28 U.S.C. § 1446(a), all process, pleadings, and orders served upon Defendants in this action are attached to this Notice of Removal as **Exhibits A-D.**

CONSENT OF ALL DEFENDANTS

8. Consistent with the requirements in 28 U.S.C. § 1146(b)(2)(A), Defendant Infogroup, Inc. consents to the removal of this action. Thus, all defendants join or consent to this removal.

NOTICE OF FILING NOTICE OF REMOVAL

9. Pursuant to 28 U.S.C. §1446(d), Defendant Koley Jessen will promptly file a copy of this Notice of Removal with the Clerk of the District Court of Douglas County, Nebraska, and will serve a copy of the Notice of Removal on Plaintiff's counsel.

WHEREFORE, Defendants Koley Jessen, P.C., L.L.O. and Blake Van Gilder respectfully remove this action from the District Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska for all future proceedings.

Dated this 13th day of October 2017.

KOLEY JESSEN P.C., L.L.O., Defendant

By: *s/Elizabeth A. Hoffman*

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and

BLAKE VAN GILDER, Defendant

By: *s/Blake Van Gilder*

Blake Van Gilder, *pro se*